

MINUTES OF COUNCIL REGULAR MEETING – JUNE 26, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 26, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Russ Brooks
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman
Margaret K. Peterson

STAFF PRESENT:

Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Department
John Evans, Fire Chief
Jim Welch, Finance Department
Joseph Moore, CED Director
Richard Catten, City Attorney
Aaron Crim, Administration

13329 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who discussed an incident the previous day in which an escaped prisoner killed a corrections officer. He led a moment of silence and meditation in honor of the slain officer.

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SCOUTS

Mayor Nordfelt welcomed Scout Troop Nos. 941 and 703 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

13331

APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 12, 2007

The City Council read and considered the Minutes of the Regular Meeting held June 12, 2007. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held June 12, 2007, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13332

PUBLIC HEARING, APPLICATION NO. S-9-2007, FILED BY IVORY HOMES, REQUESTING AMENDMENT TO A PORTION OF LOT 5 IN THE RIDGE ESTATES SUBDIVISION AND FINAL PLAT APPROVAL FOR WESTRIDGE ESTATES PHASE 4A SUBDIVISION LOCATED AT 5700 WEST 5400 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised for the City Council to hear and consider public comment regarding Application No. S-9-2007, filed by Ivory Homes, requesting an amendment to a portion of Lot 5 in the Ridge Estates Subdivision; and final plat approval for Westridge Estates Phase 4A Subdivision located at 5700 West 5400 South. Mr. Pyle presented Application No. S-9-2007 and proposed Ordinance No. 07-41 related to the Application to be considered by the City Council following the public hearing, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 07-41 which would approve the amendment to a portion of Lot 5 in the Ridge Estates Subdivision; and give final plat approval for Westridge Estates Phase 4A Subdivision located at 5700 West 5400 South.

Mr. Pyle stated the subject phase consisted of 21 lots on approximately 6.1 acres, with lots ranging in size from 7,500 square feet to 12,665 square feet. He also stated the average lot size had been calculated at 9,450 square feet.

The City Manager reported the subdivision was located on a portion of what was now Lot 5 of the Ridge Estates Subdivision. He indicated lots in the Ridge Estates Subdivision had been platted as a means to facilitate the City's sale of property to Ivory Homes. He stated each phase of the Westridge Estates Subdivision would amend portions of the original lots. He further stated, in this case, the southern portion of Lot 5 would be amended.

Mr. Pyle stated access would be gained from 5400 South and a stub street would be provided to the north for a future connection with additional phases. Internal streets would be designed with a 54 foot right-of-way which would allow for a five foot sidewalk and five foot park strip. He further indicated, as Ivory Homes had done in previous subdivisions, these areas would be planted with a specific tree variety.

The City Manager reported an entry feature would be installed off of 5400 West. He stated it would be similar to others planned for this subdivision, although at a much smaller scale. He also stated, in addition to the entry feature, a masonry wall would be installed along the back facing lots adjacent to 5400 South. He indicated construction of the wall would match the type already installed along 5600 West and Westridge Boulevard.

Mr. Pyle stated the west boundary of the subdivision was adjacent to the West Ridge Golf Course. During City reviews of previous phases, concerns had been expressed regarding the proximity of new housing to the golf course. He further explained, in this phase, the distance from the center of the fairway to the west boundary of the subdivision ranged from 140 to 170 feet. The closest point on the east side of the fairway was approximately 50 feet. He stated during the review of Phase 3 to the north, the City Council had suggested fencing be discussed as additional phases of the subdivision were reviewed. He indicated staff had discussed this matter with Ivory Homes and learned they were not in favor of fencing these lots. He stated they believed part of the satisfaction of living next to

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a golf course was having the feeling of openness as opposed to a large obstruction.

The City Manager reported Ivory Homes had stated potential buyers of the lots would be fully aware of the golf course and Ivory would inform them that additional fencing would not be installed. He indicated staff had suggested a note be placed on the plat regarding the golf course and its proximity to new residential uses. He stated a similar note had been placed on the Back Nine Subdivision plat which was adjacent to the Stonebridge Golf Course. He indicated, in addition, staff recommended Ivory Homes provide a disclaimer to potential home owners regarding this concern as part of the closing documents.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 07-41, APPROVING THE AMENDMENT TO A PORTION OF LOT 5 IN THE RIDGE ESTATES SUBDIVISION; AND GIVING FINAL PLAT APPROVAL FOR WESTRIDGE ESTATES PHASE 4A SUBDIVISION LOCATED AT 5700 WEST 5400 SOUTH

The City Council previously held a public hearing regarding Application No. S-9-2007, filed by Ivory Homes, and proposed Ordinance No. 07-41 which would approve an amendment to a portion of Lot 5 in the Ridge Estates Subdivision; and give final plat approval for Westridge Estates Phase 4A Subdivision located at 5700 West 5400 South.

After discussion, Councilmember Burt moved to approve Ordinance No. 07-41, An Ordinance Approving the Amendment to a Portion of Lot 5 in the Ridge Estates Subdivision; and give final plat approval for Westridge Estates Phase 4A Subdivision located at 5700 West 5400 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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13333 **RESOLUTION NO. 07-135, APPROVE TWO STANDARD FORM AGREEMENTS FOR USE BY THE UTAH CULTURAL CELEBRATION CENTER (UCCC) FOR PERFORMANCE ARTISTS**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-135 which would approve two standard form agreements for use by the Utah Cultural Celebration Center (UCCC) for performance artists.

Mr. Pyle stated the UCCC had many opportunities to host performances by different types of groups. He indicated cultural bands, performance artists as well as mainstream musicians had expressed interest in performing at the UCCC, many of which had done so successfully. Accordingly, the UCCC required form agreements such that the performer's obligations and consideration were clearly set forth. He reported form agreements made sense for these types of performances because the consideration was generally minimal. He further reported that, in fact, the Promise to Perform/Exchange Agreement set forth the performer would receive use of UCCC space as consideration for performances. He stated the use of form agreements would serve to streamline the legal process and allow for scheduling of many different groups and many types of performances quickly and efficiently.

The City Manager further reported live performances added value and entertainment to any festival or celebration and the growing popularity of the UCCC as a cultural venue had attracted many different groups. He stated the vast majority of the groups desiring to perform agreed to do so for minimal compensation. Therefore, the proposed standard form agreement would accomplish that purpose.

After discussion, Councilmember Winder moved to approve Resolution No. 07-135, A Resolution Authorizing the City to Approve Two Standard Form Agreements for use by the Utah Cultural Celebration Center (UCCC) for Performance Artists. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

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Unanimous.

13334 **RESOLUTION NO. 07-136, APPROVE PURCHASE OF THREE 2008 FORD F150 VEHICLES FROM KEN GARFF AUTOMOTIVE OF AMERICAN FORK FOR USE BY ANIMAL SERVICES OFFICERS**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-136 which would approve the purchase of three 2008 Ford F150 vehicles from Ken Garff Automotive of American Fork in an amount not to exceed \$80,000.00 for use by Animal Services officers.

Mr. Pyle stated the proposal would allow for purchase of three 2008 Ford F-150 vehicles necessary for the newly hired Animal Services officers in order to serve the Taylorsville City contract to become effective July 1, 2007.

The City Manager reported Ken Garff Automotive of American Fork had been selected as the supplier as they held the State contract to supply such vehicles. He also reported the City had recently entered into a contract with Taylorsville City to provide all animal related services. He advised this service would be transferred from Salt Lake County beginning the first of July, and additional personnel and equipment would be necessary to make the transition possible.

After discussion, Councilmember Brooks moved to approve Resolution No. 07-136, A Resolution Approving the Purchase of Three 2008 Ford F150 Vehicles from Ken Garff Automotive of American Fork for use by Animal Service Officers. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 07-137, GRANTING SPECIAL WARRANTY DEED AND APPROVING AN INTERLOCAL AGREEMENT WITH THE STATE OF UTAH WHICH INCLUDES AN OPERATING AND MAINTENANCE AGREEMENT, MUTUAL EASEMENTS AND MUTUAL FIRST RIGHTS OF REFUSAL REGARDING THE USE AND MAINTENANCE OF THE BUILDING ON THE SOUTH END OF WEST VALLEY CITY HALL

City Manager, Wayne Pyle, presented proposed Resolution No. 07-137 which would grant a Special Warranty Deed and approve an Interlocal Agreement with the State of Utah which includes an operating and maintenance agreement, mutual easements and mutual first rights of refusal regarding the use and maintenance of the building on the south end of West Valley City Hall.

Mr. Pyle stated the State of Utah had purchased the south end of the West Valley City Hall building. He further stated, as a result, an agreement would be required to address issues such as building and landscape maintenance, access easements and impacts of future sales of either end of the building. He advised the City also needed to convey a special warranty deed to the State for the purchase.

The City Manager reported that in accordance with the terms of the lease with the State of Utah regarding the south portion of City Hall, the State exercised its option to purchase and would require a Special Warranty Deed to convey that ownership. He stated the purchased created the following issues: responsibility for building and landscape maintenance, access for each entity for parking, storage and A.D.A. as well as first rights of refusal for purchase in the event one entity chose to sell or lease their portion of City Hall.

Mr. Pyle stated the proposed agreement would resolve the issues by: 1) The grant of mutual easements for parking that allowed access for each entity over common lanes and driveways; 2) The grant of mutual easements for building access that allowed each entity to have access to shared utilities and over common stairwells, the A.D.A. ramp and emergency exists; 3) The grant of mutual first rights of refusal which allowed each entity the first opportunity to lease or purchase the other's share of the building; 4) A joint planning agreement setting forth that each entity agrees to work with the other regarding future issues associated with the building.

The City Manager reported that in addition Exhibit B of the Agreement entitled "Operating and Maintenance Agreement" set forth the building maintenance and

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landscape responsibilities of each entity, including the associated costs and payment terms.

After discussion, Councilmember Burt moved to approve Resolution No. 07-137, A Resolution Granting a Special Warranty Deed and Approving an Interlocal Agreement with the State of Utah Which Includes an Operating and Maintenance Agreement, Mutual Easements and Mutual First Rights of Refusal Regarding the Use and Maintenance of the Building on the South End of West Valley City Hall. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13336 **APPLICATION NO. S-46-2006, FILED BY ADAM MAHER, REQUESTING FINAL PLAT APPROVAL FOR CHARLES LEO SUBDIVISION LOCATED AT 3973 SOUTH 2200 WEST**

City Manager, Wayne Pyle, presented Application No. S-46-2006, filed by Adam Maher, requesting final plat approval for Charles Leo Subdivision located at 3973 South 2200 West.

Mr. Pyle stated the proposed subdivision would consist of nine lots on approximately 3.0 acres with an overall density of 3.0 units per acre. He also stated the lot sizes ranged from 10,003 to 13,354 square feet with an average lot size of 10,750 square feet. He indicated Lot 9, fronting 2200 West, would be included in the boundary of the subdivision; but had not been included in the square footage calculations.

The City Manager reported that during the rezoning of the subject property a development agreement had been reviewed and approved by the Planning Commission and the City Council. He stated an executive summary of the developer's commitments had previously been provided to the City Council.

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Mr. Pyle further reported that during the re-zoning process, a concern had been raised about the existing irrigation system. He stated irrigation water was still used by many residents in the area and it had been noted during the meeting that flooding of adjacent properties had occurred in the past. He indicated the developer's engineer had prepared a drainage plan showing how the irrigation water would be handled. He reported the City's Engineering Division had also evaluated the plan and believed the proposal to be sound.

The City Manager stated as with all new subdivision development there was a concern with the potential for ground water impacts. He also stated the applicant had submitted a soils report indicating ground water had been encountered at a depth of 9.5 feet below existing grades. He reported basements would be allowed at a depth not to exceed 6.5 feet.

After discussion, Councilmember Winder moved to approve Application No. S-46-2006, filed by Adam Maher, and give final plat approval for Charles Leo Subdivision located at 3973 South 2200 West. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13337

CONSENT AGENDA:

A. RESOLUTION NO. 07-138, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KEN ALLEN TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2007 - JULY 1, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 07-138 which would ratify his reappointment of Ken Allen to the Police Professional Standards Review Board for the term July 1, 2007, through July 1, 2009.

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Mr. Pyle stated Mr. Allen had expressed the desire to continue to serve on the Board.

B. RESOLUTION NO. 07-139, RATIFY THE CITY MANAGER'S APPOINTMENT OF CLOYD BELL TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2007, - JULY 1, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 07-139 which would ratify his reappointment of Cloyd Bell to the Police Professional Standards Review Board for the term July 1, 2007, through July 1, 2009.

Mr. Pyle stated Mr. Bell had expressed the desire to continue to serve on the Board.

C. RESOLUTION NO. 07-140, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JOAN MCCREEDY BURRELL TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2007 – JULY 1, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 07-140 which would ratify his reappointment of Joan McCreedy Burrell to the Police Professional Standards Review Board for the term July 1, 2007, through July 1, 2009.

Mr. Pyle stated Ms. Burrell had expressed the desire to continue to serve on the Board.

D. RESOLUTION NO. 07-141, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CHARLES SIPES TO THE WEST VALLEY CITY LICENSE HEARING BOARD, TERM: JULY 1, 2007 – JULY 1, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 07-141 which would ratify his reappointment of Charles Sipes to the West Valley City License Hearing Board for the term July 1, 2007, through July 1, 2009.

Mr. Sipes had expressed the desire to continue to serve on the Board.

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E. RESOLUTION NO. 07-142, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF NEWELL ANDERSON TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-142 which would ratify his reappointment of Newell Anderson to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Mr. Anderson had expressed the desire to continue to serve on the Committee.

F. RESOLUTION NO. 07-143, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF TIM CHEZEM TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-143 which would ratify his reappointment of Tim Chezem to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Mr. Chezem had expressed the desire to continue to serve on the Committee.

G. RESOLUTION NO. 07-144, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRENDA CLARK TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-144 which would ratify his reappointment of Brenda Clark to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Ms. Clark had expressed the desire to continue to serve on the Committee.

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H. RESOLUTION NO. 07-145, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CHARLES COOK TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-145 which would ratify his reappointment of Charles Cook to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Mr. Cook had expressed the desire to continue to serve on the Committee.

I. RESOLUTION NO. 07-146, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CLAUDIA JENSEN TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-146 which would ratify his reappointment of Claudia Jensen to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Ms. Jensen had expressed the desire to continue to serve on the Committee.

J. RESOLUTION NO. 07-147, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DORIS WALL TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-147 which would ratify his reappointment of Doris Wall to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Ms. Wall had expressed the desire to continue to serve on the Committee.

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K. RESOLUTION NO. 07-148, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CAROLYNN WORKMAN TO THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-148 which would ratify his reappointment of Carolynn Workman to the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2011.

Mr. Pyle stated Ms. Workman had expressed the desire to continue to serve on the Committee.

L. RESOLUTION NO. 07-149, RATIFY THE CITY MANAGER'S APPOINTMENT OF TIM CHEZEM AS CHAIRPERSON OF THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2007 - JUNE 30, 2008

City Manager, Wayne Pyle, presented proposed Resolution No. 07-149 which would ratify his appointment of Tim Chezem as Chairperson of the West Valley City Clean & Beautiful Committee for the term July 1, 2007, through June 30, 2008.

Mr. Pyle stated Mr. Chezem desired to continue to serve as the Chairperson for the Committee.

M. RESOLUTION NO. 07-150, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF LONNIE MAYHEW TO THE WEST VALLEY CITY STORM WATER ADVISORY BOARD, TERM: JULY 1, 2007 - JUNE 30, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 07-150 which would ratify his reappointment of Lonnie Mayhew to the West Valley City Storm Water Advisory Board for the term July 1, 2007, through June 30, 2009.

Mr. Pyle stated Mr. Mayhew had expressed a desire to be reappointed to the Board.

After discussion, Councilmember Brooks moved to approve Resolution Nos. 07-138, 07-139, 07-140, 07-141, 07-142, 07-143, 07-144, 07-145, 07-146, 07-147,

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07-148, 07-149 and 07-150 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 26, 2007, WAS ADJOURNED AT 6:38 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held June 26, 2007.

Sheri McKendrick, MMC
City Recorder